REMARKS

35 U.S.C. § 103 Rejections

Claims 1 - 4, 6 - 10, 13 - 16, 18 - 19, and 21 - 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,980,583 issued to Staub et al. (hereinafter "Staub et al.") in view of U.S. Patent No. 4,242,377 issued to Roberts et al. (hereinafter "Roberts et al.") for the reasons of record stated on pages 2 - 5 of the Office Action.

Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over Staub et al. in view of U.S. 4,891,890 issued to Church (hereinafter "Church") for the reasons of record stated on page 3 of the Office Action.

Claim 20 is rejected under 35 U.S.C. §103(a) as being unpatentable over Staub et al. in view of U.S. 4,207,683 issued to Horton (hereinafter "Horton") for the reasons of record stated on page 3 of the Office Action.

Page 3 of the Office Action indicates that Claim 25 is rejected under 35 U.S.C. §103(a) as being unpatentable over Staub et al. in view of Roberts et al. as applied to Claim 23 and further in view of U.S. 4,014,105 issued to Furgal et al. (hereinafter "Furgal et al.") for the reasons of record stated on pages 3 and 4 of the Office Action.

Applicants respectfully traverse these rejections. "In order to establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success *must both* be found in the prior art, and *not* based on applicant's disclosure (emphasis added)." M.P.E.P. §2142 citing *In re Vacek*, 947 F,2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

It is believed that the amendments made in Applicants' prior Office Action response dated December 12, 2005 overcome the Examiner's rejections as none of the references in combination with Staub et al. teach or suggest *inter alia* a device for use with a fabric article drying appliance wherein the device itself (separate from the drying appliance) includes a means for heating a benefit composition wherein the benefit composition is heated by an exothermic reaction wherein the exothermic reaction is a metal oxidation reaction, a saturated salt reaction, or a combination thereof. For convenience purposes, the *Listing of Claims* as amended by Applicants' December 12, 2005 response is reproduced above.

More specifically, with regard to the 35 U.S.C. §103(a) rejection of Claims 1 - 4, 6 - 11, 13 - 16, 18 - 19 and 21 - 25 over Staub et al. in view of Roberts et al., neither Staub et al. nor Staub et al. in view of Roberts et al. teach or suggest a device for use with a fabric drying appliance which *inter alia* includes a means for heating a benefit composition wherein the benefit composition is heated by an exothermic reaction which is a metal oxidation reaction, a saturated salt reaction or a combination thereof. Page 4 of the Office Action indicates that Applicants' "*broadest claims 1, 11,*

21, and 22 merely call for heating the benefit composition by exothermic reaction in a dryer appliance." Applicants respectfully disagree with this. As provided above, Applicants' December 12, 2005 Office Action amended Claims 1, 11, 21, and 22 to include the limitation that Applicants' device for use with a fabric drying appliance include *inter alia* a means for heating a benefit composition wherein the benefit composition is heated by an exothermic reaction *which is a metal oxidation reaction, a saturated salt reaction or a combination thereof.* As neither Staub et al. nor Staub et al. in view of Roberts et al. teach or suggest instant Claims 1 - 4, 6 - 11, 13 - 16, 18 - 19, or 21 - 25, these claims are unobvious over Staub et al. in view of Roberts et al.

Additionally, the Office Action on page 4 indicates that "*applicant has failed to rebut the examiner's holding of obvious matter of design choice regarding the rejection of claims 6 - 10 and 19... Therefore it is deemed to be an admission.*" Applicants respectfully disagree with this assertion. As previously indicated, Applicants' December 12, 2005 amended Claims 1, 11, 21, and 22 and accordingly all claims dependent either directly or indirectly therefrom including Claims 6 - 10 and 19. Hence, it is respectfully submitted that Applicants' December 12, 2005 response did rebut the Examiner's holding of obvious matter with respect to Claims 6 - 10 and 19 and therefore this rejection is not deemed to be an admission.

Hence, as the obviousness rejections of Claims 1 - 4, 6 - 11, 13 - 16, 18 - 19, and 21 - 25 over Staub et al. in view of Roberts et al., are overcome, Applicants respectfully request these rejections be reconsidered and withdrawn and these claims allowed.

With regard to the 35 U.S.C. §103(a) rejection of Claim 12 over Staub et al. in view of Church, neither Staub et al. nor Staub et al. in view of Church teach or suggest a device for use with a fabric drying appliance which *inter alia* includes a means for heating a benefit composition wherein the benefit composition is heated by an exothermic reaction which is a metal oxidation reaction, a saturated salt reaction or a combination thereof. Hence, as Claim 12 is unobvious over Staub et al. in view of Church, Applicants respectfully request that this rejection be reconsidered and withdrawn and this claim allowed.

Referring to the Examiner's 35 U.S.C. §103(a) rejection of Claim 20 as unpatentable over Staub et al. in view of Horton, page 3 of the Office Action indicates that "*the fabrics treating system and method of Staub et al. as above includes all that is recited in claim 20 except for heating coil as a heating source for fabric treatment device.*" Referring to Claim 20 of the instant application (see *Listing of Claims* above), this claim does not disclose a heating coil. Hence, Applicants are unclear as to the Examiner's basing of this rejection in part on a heating coil. Applicants respectfully request clarification as to the basis of the Examiner's rejection of Claim 20.

With regard to the 35 U.S.C. §103(a) rejection of Claim 25 over Staub et al., in view of Roberts et al. and further in view of Furgal et al., neither Staub et al. nor Staub et al. in view of Roberts et al. and further in view of Furgal et al. teach or suggest a device for use with a fabric drying appliance which *inter alia* includes a means for heating a benefit composition wherein the benefit composition is heated by an exothermic reaction which is a metal oxidation reaction, a saturated salt reaction or a combination thereof. Hence, as Claim 25 is unobvious over Staub et al. in view of Roberts et al. and further in view of Furgal et al., Applicants respectfully request that this

rejection be reconsidered and withdrawn and this claim allowed.

SUMMARY

This is an RCE responsive to the final Office Action dated March 13, 2006. Authorization is provided to charge any fees associated with this response to Deposit Account No.: 16-2480. As the rejections under 35 U.S.C. §103 have been overcome, Applicants respectfully request these rejections be withdrawn and the claims allowed.

Respectfully submitted,
FOR: PANCHERI ET AL.;

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